

CARVER COUNTY PLANNING COMMISSION
Regular Meeting – October 16, 2018
Minutes

Members Present: Frank Mendez, Scott Smith, Gabrielle Theis, Mark Willems, Randy Maluchnik (alternate for Jim Ische)

Members Late: None

Members Absent: Jim Ische, Jim Burns, John P Fahey

Staff Present: Steve Just, Jason Mielke, Adriana Acheson

Pursuant to due call and published notice thereof, the October 16, 2018, regular meeting of the Carver County Planning Commission was called to order by Vice Chairman Willems.

Minutes – A motion was made by Smith and seconded by Mendez to approve the minutes from the September 18, 2018 meeting. All voted aye. Motion carried.

File #20180026 – Ordinance Amendment/Floodplain Overlay District – Vice Chairman Willems called the public hearing to order at 7:01 p.m. to consider a request by Carver County. The purpose of the public hearing was to consider a request for an ordinance amendment, adopting new maps, and text updates regarding the Floodplain Overlay District pursuant to Chapter 152 of the County Code.

The following were present: Gerald Goede, Kathie Anderson, Richard Olson, Doug Weber, William Devine, Neil Johnson

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Letter to the Planning Commission and ALL Townships dated October 3, 2018, and attachments

Mielke stated an ordinance amendment to specific floodplain overlay sections of the County Code and the Zoning Map has been drafted. These changes are required in order to continue participation in the National Flood Insurance Program (NFIP). The County is required to update Code text and mapping according to recommendations and requirements from FEMA. Mielke stated this is specifically for updated floodplain-related sections of the Zoning Code and Zoning map. He noted that in 2006, Carver County began a flood study and in 2010, FEMA granted preliminary approval of updated maps. Due to some unique floodplain situations in specific areas of the County, those preliminary maps were not allowed to be formally adopted. Since that time, the existing floodplain overlay maps from 1988 and 2004, along with the proposed maps from 2010

have been used for property owners with any land use issues. Based on the FEMA requirements for implementing the floodplain management measures for Carver County, FEMA has now given the County jurisdiction to get the text changes and maps adopted with a deadline date of December 21, 2018. Mielke briefly explained the maps included with the staff report, noting the current floodplain and proposed floodplain maps. He stated the proposed floodplain overlay district is what will be identified in the new County Zoning Map. Only the floodplain area of the Zoning map is affected by these changes. The DNR has played an active part with the language of the Zoning Code, and he cited the changes would reflect requirements of the DNR. He noted two key changes in the draft, referencing a change with the term '100-year flood event' and the removing the requirement for a Conditional Use Permit for certain work within a floodplain. Mielke explained the process of public hearings at this level and with the County Board to adopt these proposed changes and enact them into the ordinance. He stated that if the December 21, 2018 deadline is not met, the County will be suspended from participating in the National Flood Insurance Program. Mielke stated if the Planning Commission concludes this public hearing and recommends approval, the County Board would likely hold a public hearing in November to consider the adoption of Ordinance 88-2018. He read the findings of fact if the request is approved.

Neil Johnson, representing Watertown Township, asked how this amended ordinance would affect Watertown Township.

Mielke replied that the current and proposed floodplain maps included with the packet reflect the changes in the floodplain overlay district. He noted that some parcels in the area near the Crow River have been removed from the floodplain designation. He explained the legend and areas on the map by the color key.

Mr. Johnson asked if Swede Lake in Section 22 of Watertown was designated as a Recreational Development lake.

Mielke replied that the lake classifications have always been identified on the official County Zoning map. None of the lake classifications have changed.

Kathie Anderson, 14750 50th St, asked for the definitions of the different lake classifications.

Just stated it appeared there was a problem with the coloration of the legend and the map. He stated that Swede Lake has always been designated as a Natural Environment Lake. Having the Floodplain overlay and the Shoreland designation made creating an accurately colored map difficult. Along with the study that began in 2006, some of the lakes now have base flood elevations, however, none of the classifications have changed. He confirmed that Swede Lake was still classified as a Natural Environment Lake. More work will be done with the maps to correct the coloration before it is presented to the County Board.

Ms. Anderson stated she lives within the shoreland area of Lippert Lake and asked for the

classification of that lake.

Mielke identified the three lakes that are classified as General Development and named a few of the Recreational Development lakes. He stated that most of the remaining bodies of water are classified as Natural Environment, which includes Lippert Lake.

Just reiterated that none of the lake classifications have changed with this floodplain information. The only thing that is different is that now some of the lakes have base flood elevation information which has been approved as a part of the flood insurance rate map (FIRM).

Ms. Anderson asked if flood insurance was available to everyone if they wanted to pay for it.

Just replied it is his understanding that anyone who wants flood insurance can purchase it if the County is eligible as a part of the National Flood Insurance Program. Carver County is eligible and that is why these updated mandatory requirements are necessary, or citizens will not be able to obtain flood insurance.

Ms. Anderson asked if a claim was made because of flood damage, is there a requirement that the settlement money be used to rebuild or repair damages on that specific property, or can the landowner take the payment and use the funds to relocate.

Maluchnik stated he had previously worked closely with this issue. He stated there are options offered, depending upon the situation. The overall idea of the program is to try and only have passive use of floodplain areas. It is encouraged to keep structures outside of the floodplain area. Landowners can receive payments for multiple flood occurrences, however; their insurance premiums also increase.

Ms. Anderson asked if FEMA flood insurance is subsidized by taxpayer dollars.

Maluchnik clarified that flood insurance is not FEMA, but a separate quasi-private entity. He recalled there is some subsidy, but not a large percentage. He stated it has been quite some time since he has worked with this issue and things could certainly have changed in that time.

Ms. Anderson stated that some governing bodies have programs available to purchase floodplain properties from landowners. She asked if there was any program available for this in Carver County.

Just stated that Carver County has very low repetitive losses due to flooding. He recalled one parcel that was in the Crow River floodplain with repetitive losses which was acquired by the County with money from 2 grants and in-kind funds from Public Works and the Parks Departments. This parcel was one of the worst ones in the Crow River floodplain with repetitive losses. The claims report from the DNR does not include a lot of land in the rural areas of Carver County.

Maluchnik also added that banks or other lending institutions also limit the mortgage amount on properties with frequent flood instances.

Doug Weber, representing San Francisco Township, asked for clarification of the San Francisco Township maps and agreed that the blue shades on the map are difficult to decipher.

Mielke explained the current and proposed DFIRM and shoreland designations as shown on the maps. He stated the shoreland areas have not changed. The area along the Minnesota River is part of the new floodplain overlay.

Just clarified that FIRM stands for flood insurance rate map. And DFIRM is digital flood insurance rate map. Those were the maps that were developed beginning in 2006 with the engineering and effort in 2010, which are now being finalized in 2018.

Mendez asked for clarification on the map legend.

Mielke explained the areas in question and noted the setbacks from a DNR protected waterway. He reiterated that the shoreland area did not change, and neither has the lake classification for any lake.

Mendez suggested it might be beneficial to have the lakes on the maps identified by name.

Just confirmed labeling and choosing a different color scheme could be beneficial.

Smith asked if information was available on the changes in the floodplain area from 2006 until the present.

Just summarized that the map using all the engineering beginning in 2006 was included in the 2010/2011 Zoning Map. What has been enforced for the past 8 years is all of the information from 1988, all of the Crow River studies from 2004, and all of the data and mapping from the 2006 - 2010 DFIRM. All those layers and information have been used in anticipation of getting these new maps which are more accurate. The change that is happening is removing all of the old information which was less accurate and using the new digital, more accurate maps which FEMA and the DNR are requiring the County to adopt.

A motion was made by Mendez and seconded by Smith to conclude the public hearing. All voted aye. Motion carried. The public hearing was concluded at 7:35 p.m.

A motion was made by Mendez and seconded by Smith to **approve and adopt Resolution #18-07** incorporating the findings of fact and staff recommendations, in approving the Ordinance Amendment for changes to the County code, Chapter 152, and The Official Zoning Map for the unincorporated areas of the County. All voted aye.

Motion carried.

Other Business

Dan Cook, 7625 Rutz Lake Rd, addressed the Planning Commission on three issues concerning the 2040 Comprehensive Plan. He identified his three concerns as: 1) Caution in identifying more with the Met Council than the citizens in the unincorporated areas, 2) Reviewing ‘best practices’ in other Counties and incorporating those ideas into Carver County, and 3) Handling of alternative energy. He expressed concern that the citizens of the County should have more input with the Comp Plan and not rely completely on the suggestions of the Met Council. He offered his suggested solutions of problems created with Conditional Use Permits, most specifically regarding solar gardens, and stated that moratoriums could be used as a tool. He suggested that alternative energy be removed from the Essential Services section of the Comp Plan and the Ordinance and be designated as Sustainable Energy. He read language from the current Carver County Comp Plan and compared it to language from Scott County. He stated Stearns County put solar energy and all things relating to it into one section of their code. He concluded by reiterating his three points: 1) value the citizens of Carver County when considering the Comp Plan, 2) deal with complexities by using the power and knowledge available within the County and make it explicit, and 3) fix the alternative energy section.

Just introduced new employee, Adriana Acheson, as a new Planner who will be working with the Comp Plan.

Adjournment

A motion was made by Theis and seconded by Mendez to adjourn the meeting. All voted aye. Motion carried. The meeting was adjourned at 7:48 p.m.